

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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ROBIN KEESLER,

Plaintiff,

Case No. 1:13-CV-744

v.

HON. GORDON J. QUIST

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION**

Plaintiff has filed Objections to Magistrate Judge Ellen S. Carmody's Report and Recommendation (R & R), issued on June 10, 2014, which recommends that the Court affirm the Commissioner's decision denying Plaintiff disability insurance benefits. Pursuant to 28 U.S.C. § 636(b)(1), this Court is required to review *de novo* those portions of the R&R to which specific objections have been made. The Court may accept, reject, or modify any or all of the magistrate judge's findings or recommendations. *Id.* After reviewing the R&R, Plaintiff's Objections, and the pertinent portions of the administrative record, the Court will overrule Plaintiff's Objections and adopt the R&R as the opinion of the Court.

Plaintiff objects to the R & R's conclusion that the ALJ properly articulated evidentiary support for the residual functional capacity (RFC) determination. The ALJ discussed the results of the March 2010 EMG and the May 2010 MRI, as well as the information obtained from Plaintiff's visits with Drs. Jacobs, Yount, and Beatty. He further discussed Plaintiff's use of methadone, and its effectiveness in managing Plaintiff's pain. The ALJ explained that Plaintiff's daily activities and

conservative course of treatment were inconsistent with her allegations of disabling impairments. Finally, the ALJ explained that he examined a previous decision issued by a different ALJ, and that he determined that the RFC was the same as assessed in that previous decision because Plaintiff's condition had not worsened. Under the circumstances, the Court agrees with the magistrate judge's conclusion that the ALJ's determination was supported by substantial evidence.

Therefore,

**IT IS HEREBY ORDERED** that the Magistrate Judge's Report and Recommendation issued June 10, 2014 (docket no. 17), is **ADOPTED** as the Opinion of the Court, and the decision of the Commissioner denying benefits to Plaintiff is **AFFIRMED**.

A separate judgment will issue.

This case is **concluded**.

Dated: July 17, 2014

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/s/ Gordon J. Quist  
GORDON J. QUIST  
UNITED STATES DISTRICT JUDGE